

Z:\LOK_DATA\10048\002\NOREMOVAL.DOC\BCB/tb

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ERIC MCNEIL,)
Plaintiff,) Case No.: 4:13-cv-1742
vs.)
BEST BUY COMPANY, INC.) JURY TRIAL REQUESTED
Defendant.)
) Removed from Circuit Court of
) St. Louis County, Missouri
)

NOTICE OF REMOVAL

COMES NOW Defendant, Best Buy Co., Inc., by and through its attorneys, Beth C. Boggs and Boggs, Avellino, Lach & Boggs, L.L.C., pursuant to 28 U.S.C. Section 1441 and 28 U.S.C. Section 1446, and for its Notice of Removal, states to the Court as follows:

1. This action entitled Eric McNeil v. Best Buy Co. Inc. was commenced in the Circuit Court for the Twenty-First Judicial Circuit, St. Louis County, Missouri, on or about July 31, 2013.
2. The attached Petition was served upon Best Buy Co., Inc. on August 6, 2013.
3. Upon information and belief, Defendant states that Plaintiff is a resident of Missouri and a citizen of the State of Missouri.
4. Defendant, Best Buy Co., Inc., is a Minnesota corporation, having its principal place of business also in the State of Minnesota. Defendant, Best Buy Co., Inc., is incorporated in the State of Minnesota. Thus, for purposes of diversity, Defendant, Best Buy Co., Inc., is a citizen of the State of Minnesota.

5. Defendant asserts that complete diversity exists, as Defendant is a citizen of the State of Minnesota for purposes of federal jurisdiction and has its principal place of business in the State of Minnesota. See 28 U.S.C. Section 1332(c)(1).

6. This is an action over which this Court has original jurisdiction under the provisions of 28 U.S.C. Section 1332, in that the matter in controversy, exclusive of interest and costs, exceeds the sum of \$75,000.00 and is between citizens of different states. Plaintiff seeks damages for loss of business information and data, loss of personal and family information, out of pocket expenses, value and time and money attempting to recover lost business contacts, economic loss, increased risk of identity theft, and deprivation of the value of Plaintiff's business contacts. In addition, Plaintiff seeks punitive damages against Defendant, Best Buy. Further, under the Merchandising Practices Act, Plaintiff seeks attorneys' fees. The amount sought by Plaintiff to date in this litigation is in excess of \$75,000.00. Plaintiff made a pre-suit demand of \$100,000.00.

7. Copies of all processes, pleadings, orders, records, and proceedings in St. Louis County are attached to this Notice of Removal.

8. Defendant has filed this Notice of Removal within 30 days after the service of the Petition from which it was ascertained that this case was removable.

WHEREFORE, Defendant, Best Buy Co., Inc., respectfully requests that this Court acknowledge jurisdiction over this action and allow removal thereto to this Court for determination of all issues involved herein.

DEFENDANT DEMANDS TRIAL BY JURY

Respectfully submitted,

BEST BUY CO., INC.

By: /s/Beth C. Boggs

Beth C. Boggs, #43089-MO
BOGGS, AVELLINO, LACH & BOGGS,
L.L.C.
7912 Bonhomme Avenue - Suite 400
St. Louis, MO 63105
(314) 726-2310 PHONE
(314) 726-2360 FAX
E-Mail: bboggs@balblawyers.com
Attorneys for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was electronically filed via the Court's CM/ECF filing system for the United States District Court for the Easter District of Missouri and electronically forwarded this 4th day of September, 2013, to:

Randall C. Cahill, #35191
The Cahill Partnership, LLC
906 Olive Street, Suite 1250
St. Louis, MO 63101
(314) 231-1771 – Office
(314) 231-3073 – Fax
cahillpartnership@sbcglobal.net - Email
Attorneys for Plaintiff

/s/Beth C. Boggs